

FILED  
IN CLERK'S OFFICE  
U.S. DISTRICT COURT E.D.N.Y.

★ JUN 01 2021 ★

BROOKLYN OFFICE

To.



UNITED STATES DISTRICT COURT 18-cv-2991

EASTERN DISTRICT OF NEW YORK

225 CADMAN PLAZA EAST BROOKLYN NY 11201

TO HONORABLE JUDGE ROSLYNN R. MAUSKOPF.

PLEASE RECONSIDERATION THE DECISION  
ORDER ON JANUARY 11, 2021

I HAVE CALLED THE COURT EVERY WEEK  
ABOUT YOUR ORDER, AND THE CLERK  
ADVISED ME BECAUSE COVID 19 CORONA TIME,  
TO SEND IN WRITING ON MAY 30, 2021.

my name is ESTHER HERZ, I AM 80 YEARS OLD,  
(wheelchair home bound) LIBI HERZ THE ADMINISTRATRIX  
SHE IS NOT IN GOOD HEALTH.

THE CLERK DIRECTED ME TO MAIL A COPY  
TO TRUSTEE RICHARD O'CONNELL AND HIS  
ATTORNEY MOSHIE SOLOMON.

THE TRUSTEE CLAIMS THAT I OWE \$450,000.00  
WE OBJECTED PRO SE FOR THREE YEARS, AND THE  
FACTS THE CLAIMS WAS EXPENSES, DISMISSED.

WE DO NOT BLAME AS DENIED FRAUD CLAIMS.  
FOR YEARS, IN THE BANKRUPTCY COURT.

we been takein ADVANTAGE By the TRUSTEE!

if the TRUSTEE PAY FOR THE CLAIMS  
The fees is only 10%. PERCENT, HE DID NOT PAY!

The fact the TRUSTEE and HIS ATTORNEY  
DID HAVE A BILL \$58,000.00.

we OBJECTION FOR THE CLAIMS ON JULY 7, 14  
and it's EXPUNGED NO Legal fee FOR THE TRUSTEE

1) NO JUDGE Craig SHOULD NOT FORCED  
and ALLOWED THE TRUSTEE TO CLAIMS  
ON January 15 2015, BECAUSE THERE ARE  
NO CLAIMS, AND THE FACTS CHASE ISSUE  
AS THE MONEY.

2)

JUDGE Craig ORDER ON MAY 28, 2015  
TO TURNOVER ALL THE ESTATE OF DAVID HERZ  
TO THE TRUSTEE. THE TRUSTEE IN ENGLAND MR.  
HUGH ANTON STEPHEN OBJECTION and DID NOT  
TURNOVER THE ESTATE. WE SPENT THE TIME.

3) JUDGE Craig ORDER THE TRUSTEE HUGH ANTON  
TO PAY FOR THE TRUSTEE and HIS ATTORNEY ONLY.  
AND DID NOT ORDER THE MONEY FOR AS.

4) Judge craig DID NOT CARD  
ABOUT ASL. THE CLAIMS WAS DISMISSED  
AND WE DID NOT AWARDED LEGAL FEES  
FROM LEXINGTON INSURANCE.

They SPENT THE TIME FOR THE  
THE AWARD! THE \$58,000.00 FEE BECAUSE  
They CLAIMS, \$450,000.00 THAT WAS DISMISSED.  
WE DID IN GOOD FAITH AND WE  
SPENT TIME EARN NO MONEY.

WE APPRECIATE YOUR HELP AND CONSIDERATION  
IN THIS MATTER

THANK YOU FOR YOUR TIME

SINCERELY E. HERZ  
ESTHER HERZ  
1148 E 10 ST.

BROOKLYN NY 11230  
TEL. 347 525 7229

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

-----X

LIBI HERZ and ESTHER HERZ,  
Appellants,

-against-

**APPELLANT BRIEF**  
18-CV-2991

RICHARD O'CONNELL and CHAPTER 7 TRUSTEE,  
and MOSHIE SOLOMON  
Appellees.

-----X

ROSLYNN R. MAUSKOPF, United States District Judge.

Statements of Facts

My name is Libi Herz and I am the administratrix of the estate of David Herz.

In 2014, my mother Esther Herz, was notified by her sister in Israel that a solicitor from England was looking to contact her in regards to an inheritance that was left to my late father David Herz.

She was told the inheritance was approximately two hundred thousand dollars (\$200,000).

My mother then hired an attorney in England to locate the funds.

We found that Hugh Anton Stephen was in control of the estate via Peter Alfred Birchwood of Celtic Research.

At that time, Hugh Anton Stephens requested documentation to prove that my mother and I are the beneficiary's of my late father David Herz.

Mr. Hugh Anton Stephens told my mother to notify the U.S. Trustee Richard O'Connell about the will, which she did in good faith.

Upon calling Mr. Richard O'Connell, he told my mother that although the Bankruptcy proceeding of my late father David Herz was in 2011, and the discharge was in 2012 he can still reopen the case. He then tried to negotiate a deal and told my mother to give him half of the money which would be one hundred thousand dollars (\$100,000), or he would sue us and reopen the bankruptcy case.

My mother was shocked and refused to pay him. He told her he would make her life very difficult and cause her to incur many expenses.

My mother told the trustee, that my late fathers estate did not owe any debts.

Richard O'Connell's response was that we owe money for a water bill and one Citibank credit card.

We then hired attorney Alan Sasson, to represent us in Bankruptcy Court. He proved that we did not owe those alleged bills and those claims were dismissed.

At that time we were supposed to receive an order from the Honorable Judge Carla E. Craig to release my fathers inheritance of the will. During that time, the Trustee was not awarded any legal fees. Richard O'Connell and his attorney Moshie Solomon continued to look for various reasons to bring up erroneous charges to continue to delay us from receiving the inheritance.

Richard O'Connell then contacted Chase credit cards, regarding 2 old credit cards that were under my late fathers name.

These credit card amounts were listed at the time my father filed for Bankruptcy and those amounts were discharged.

He asked Chase to re open the case in the amount of approximately \$7,600. Chase Bank told him they have already been paid by there insurance after the bankruptcy proceedings.

He ordered them to reopen the case as this would be the only and way he can get his legal fees.

Chase continued to tell Richard O'Connell they do not want the money and he asked them to donate it to him if they would not accept it.

My mother, Esther Herz, then contacted Chase and was told the trustee convinced them to re open the case but omitted the fact that David Herz was already deceased as of 2013.

This information was purposely withheld from Chase Bank as they can not and do not bring legal action against a deceased person.

We then asked the courts to dismiss this unjust claim but the trustee refused to close the case.

Trustee Richard O'Connell and his Attorney Moshie Solomon continued to attack my mother and I raising allegations.

They searched and found an old judgment under Esther Herz's name from the time she was in business in Land Lord Tenant Court.

He then contacted Lexington Insurance Company to inform them to immediately purchase this judgement at a low price against Esther Herz, so that they can then continue to sue my mother through her deceased husbands estate.

Four years after the bankruptcy case was closed and two years after my father died, he asked the courts to reconsider these claims against Esther Herz even though it did not have any correlation to David Herz.

At this time, Esther Herz had already fallen very ill and I, Libi Herz, was appointed the administratrix of my late fathers estate.

Trustee Richard O'Connell and attorney Moshie Solomon continued for more than 4 years bringing up erroneous and illegitimate claims to purposely have us incur unnecessary court fees.

This caused us tremendous health and financial stress, as we have had legal fees of over \$100,000.

Moshie Solomon testified in court that even if the claims are invalid or expunged, like they were, they still want there legal fees paid.

This was a blatant manipulation of the court system for there own financial gain. We told the courts of the initial \$100,000 he wanted to not open this case, they argued this was a negotiation.

They have deliberately done everything they can to get as much legal fees as possible.

The trustee then asked that Judge Carla E. Craig order all of the inheritance into his control for distribution.

Judge Carla E. Craig on June 9, 2015 (see exhibit A ) put in an order DIRECTING TURNOVER of THE ESTATE and all funds from the England Inheritance and appointed Richard O'Connell as trustee for the Estate of David Herz.

We were against this decision, as we have already lost so much and this transfer would be very costly.

The judge promised to "keep a close eye" on the accounting.

At the end of this grueling and lengthy ordeal all claims made by Lexington Insurance were expunged and dismissed.

The only remaining claims were from Chase Credit Card of approximately \$7,600. Judge Craig awarded the Richard E. O'Connell and Moshie Solomon \$58,000 in legal fees.

Richard O'Connell was appointed trustee of the estate of David Herz in 2015 but disobeyed a direct court order and did not fulfill his duty's. He was supposed to distribute my fathers portion of his inheritance. He then waived his rights to any of the inheritance and only wanted his legal fees. To this date we have not received any money from the inheritance. Trustee Richard O'Connell did not distribute the funds and only cared about his own gain. We have hired an attorney in England to sue Mr. Hugh Anton Stephens to give us the remaining inheritance as he was told by Richard E. O'Connell not to release the money to us. This is yet another expense incurred because of Richard O'Connell's malpractice.

To further prove that Richard O'Connell has acted wrongly and not in good faith, on the same day that we filed this appeal, Richard O'Connell sent four (4) checks to be refunded to Chase Bank totaling of the amounts of \$7,600. These checks were in his hands for many months, but he quickly returned them to Chase after hearing of the appeal.

Upon Chase receiving the checks from the trustee, they immediately notified us that they would not be accepting the money and would be returning it to Richard O'Connell, who would then return it to us for the estate of David Herz.

I contacted Richard O'Connell and he refused to transfer it to us and sent the checks back to Chase.

Chase bank apologized for the inconvenience and sent the total amount of \$7,600 back to us for the estate of David Herz.

Please see attached (exhibit B) .

This further proves his inaccuracies.

This was one of the claims we always said my father did not owe it was discharged and yet they still received legal fees for his unjust claims.

On a claim of \$7,600 that was discharged to ask for inflated legal fees of \$58,000 is astronomical, and more than 7 times the supposed debt owed to his creditors.

We have been taken advantage of and have fallen into financial difficulty because of the deceitful tactic they have used for there own financial gains.

We ask that the Honorable Judge Rosylnn R. Mauskopf to please return to us the \$58,000 in legal fees, as Richard O'Connell did not fulfill his legally binding trustee duties.

We also ask that you please investigate his bill of accounting as we dispute his fees. Please award to us all the legal fees that we have spent.



NEW YORK

26 MAY 2021

BROOKLYN N.Y.

11201

To.

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF NEW YORK

225 CADMAN PLAZA EAST

ATTN: HONORABLE JUDGE R.R. MAUSKOPF